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6 GENERAL ELECTRIC COMPANY, GE  
HEALTHCARE, INC. and GE HEALTHCARE BIO-  
SCIENCES CORP.

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

11 PETER JAY GERBER AND MIRIAM  
12 GOLDBERG,

13 Plaintiffs,

14 v.

15 BAYER CORPORATION AND BAYER  
16 HEALTHCARE PHARMACEUTICALS,  
INC.; BMC DIAGNOSTICS, INC.;  
17 CALIFORNIA PACIFIC MEDICAL  
CENTER; GENERAL ELECTRIC  
COMPANY; GE HEALTHCARE, INC.;  
GE HEALTHCARE BIO-SCIENCES  
CORP.; McKESSON CORPORATION;  
MERRY X-RAY CHEMICAL CORP.; and  
19 DOES 1 through 35,

20 Defendants.

Case No. CV-07-5918 JSW

**DECLARATION OF VITO PULITO**

22 VITO PULITO, pursuant to 28 U.S.C. § 1746, declares as follows:

23  
24 1. I am employed as Vice-President and Treasurer of GE Healthcare Inc.  
25 ("GEHC"), a defendant named in this action. I am over the age of 18 and competent to  
26 make this declaration. All of the facts stated in this declaration are of my own personal  
27 knowledge. As to those matters to which I do not have such knowledge, I have made  
28

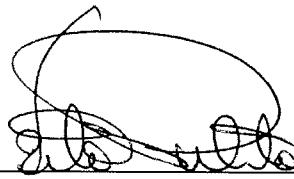
1           diligent inquiry to determine the accuracy of the statements set forth herein. I could and  
2           would testify competently thereto if called as a witness in any proceeding.  
3

4           2. GEHC is engaged in the business of selling, distributing and marketing, among  
5           others, a gadolinium-based contrast agent, Omniscan™. Omniscan™ is used by  
6           radiologists and other licensed healthcare providers in the performance of magnetic  
7           resonance imaging procedures.  
8

9           3. GEHC has an established chain of distribution for Omniscan™ whereby  
10          licensed distribution companies such as McKesson Corporation ("McKesson") act as an  
11          intermediary between GEHC and the ultimate purchasers. The role of McKesson in the  
12          chain of distribution is, and has always been, to sell this product line to various imaging  
13          facilities in the same packaging in which it was received from GEHC. McKesson does  
14          not, and did not, design, manufacture, or administer Omniscan™. McKesson does not,  
15          and did not, design, assemble or otherwise provide any of the packaging, labels or  
16          warnings for Omniscan™. McKesson does not, and did not, design, test, manufacture, or  
17          label Omniscan™.  
18

19  
20  
21          I declare under penalty of perjury under both the laws of the United States and the  
22          State of California that the foregoing is true and correct.  
23

24          Executed on December 21, 2007  
25          Princeton, New Jersey



VITO PULITO